

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

APR 21 2022

Nathan Ochsner, Clerk of Court

DAVID T. MOORE, # 1165885 § CAUSE NUMBER 4:14-cv-01698
§ 4:21-cv-02780
Vs. § KIETH P. ELLISON A/C PACK
OWEN MURRAY, et.Al. President \$ HON: GEORGE C. HANKS, Jr.
C.E.O.- U.T.M.B. Hospital \$
Galveston, Texas

MOTION FOR A EMERGENCY PROTECTION AND TRANSFER FOR A
OFFENDER TO BE PLACED IN FEDERAL CUSTODY

COMES Now, DAVID T. MOORE, #1165885, Plaintiff/Petitioner, Pursuant to F.R.C.P. Rule 9(c) and F.R.C.P. Rule 23(q)(b), to respectfully request this Honorable Court to issue an ORDER commanding the transfer of an Offender from the Custody of the Texas Department of Criminal Justice to a Federal Correctional Facility to be held for safty and protective reasons. This until the close of the above Active case/Cause Number. This without cost and at the earliest possible date., So that offenders safety and protection may be preserved.

In Support of this Motion, The Plaintiff/Petitioner would show as follows:

(1.) That he is the lead Plaintiff in the above Active Cause No.

(2.) That on the 6th day of August, 2021, This Cause Number was filed for Civil Rights Violations in Houston, Texas, FEDERAL DISTRICT Court, under 42 USC §1983.

(3.) That the Plaintiff has been and can prove he has been subjected to the un-necessary wanton of Pain and suffering and the infliction of such treatment by Staff and Medical Personnel of the T.D.C.J.-I.D., T.D.C.J.-I.D. C.M.H.C. and the Staff and Medical Staff

(1.)

at the U.T.M.B. Hospital, (John Sealey Hospital) in Galveston, Texas. [SEE ATTACHED STATEMENT of FACTS.]

(4.) In order for the Plaintiff/Petitioner to prepare an adequate Appeal and adequately be able to Litigate, He needs to be afforded the opportunity to be kept safe, alive, and afforded Counsel in this Class Action.

(5.) That the Plaintiff/Petitioner is filing Pro-se, 42 USC §1983, and has no Legal Formal training, and is being RETALIATED on for being a A/C Pack LITIGATION CLASS MEMBER.

(6.) The 5th, 8th, and 14th Ammendments to the U.S. Constitution establishes that the Plaintiff/Petitioner, be provided Access to this Protection and access to due process of Law, and assistance of Counsel.

(7.) That the Plaintiff/Petitioner is indigent and has filed a Motion for the Courts to withdraw funds for my litigation under the Cause No: 4:21-cv-02780, then sent in a I.F.P. Application and trust fund statement on 10/01/21, which was locked in, but then my case was dismissed on 02/11/22 under 28 USC §1915(g). This is under imminent danger of serious Physical Injury, and should not be dismissed.

WHEREFORE, Premises Considered, Plaintiff/Petitioner, DAVID T. MOORE, #1165885, Prays that this Honorable Court will issue an ORDER commanding the transfer of said Plaintiff/Petitioner, from State Custody to Federal Custody for Protection and safety and Medical Care until this Litigation is complete, or the Plaintiff/Petitioner is released upon Parole for the State Offense for which he is being confined. And for this to be delivered at the earliest possible date to ensure safety, and for all other proper relief.

Respectfully Submitted this 18th Day of April, 2022.

I Affirm under the Penalty of Perjury, that all foregoing statements are True and Correct, to all my knowledge and beliefs.

(2.)

David Moore 1165885

PLAINTIFF / PETITIONER PRO-SE
A/C PACK CLASS MEMBER

Mr. DAVID T. MOORE, # 1165885
ESTELLE UNIT H.S. HSF-103
264 FM 3478 Rd.
HUNTSVILLE, TEXAS 77320-3322

cc: FILE COPY

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAVID T. MOORE, #1165885

CAUSE NO'S: 4:14-cv-01698
4:21-cv-02780

VS.

OWEN MURRAY PRESIDENT
U.T.M.B. Hospital Galveston

TRIAL COURT JUDGES
Keith Ellison
Charles C. Hanks, Jr.

STATEMENT OF THE FACTS

That on the following Dates, the Officials oe Employee's of the State of Texas - Department of Criminal Justice, and the T.D.C.J.-I.D. (Correctional Managed Health Care) C.M.H.C. System, allowed or participated in the actions of the un-necessary and wanton infliction of Pain and suffering so as to cause serious harm and danger to the Plaintiff/Petitioner that are Un-Constitutional.

Since the settlement of the A/C Pack Litigation, and the return of the Plaintiff/Petitioner to the Pack Unit, He has been the subject of extreme and unnecessary retaliation,all this because the Plaintiff/Petitioner exercises his legal rights to file grievances, and his rights to file a 42 USC §1983 Litigation in the Federal Courts for Civil Rights and Constitutional Violations.

(1.) I filed a grievance on Warden Wilder, at the Pack Unit, who denied me food for 2½ hours after I had just taken insulin. This is extremely Dangerous. There are (3) Three Witnesses to this incident: TONY GORDON, 1544138 - TOMMY SHEEFSTALL - 711866, and ERIC GERLAND - 1508344. GRIEVANCE # 2019019259 (Denied).

(2.) Family photos of deceased Family Members were lost and legal papers were destroyed by an Officer Mendoza during shakedown as was instructed by Warden Wilder as Retaliation - GRIEVANCE # 2019049562.

(3.) I filed a safe prisons violation Grievance on 01-28-19, that was denied. # 2019070124 .. Also See enclosed Grievance # 2019075006.

(4.) On June 03rd, 2019, I was attacked and bitten by a mental Offender by the name of CHAD KILERLEASE, # 2058214. Who had been denied his medication and food for days. He called me to his bunk, grabbed me, and bit me, drawing blood, However, I received a case and a Parole set-Off. Grievance # 2019136401.

(5.) After going through 2 major surgeries to my neck and my lower back, I was involved in a T.D.C.J.-I.D. Bus accident on 02-26-20., where I received injuries to my neck again. See enclosed Grievance # 2020085283, Part of Litigation Cause injury was not addressed for 19 months, leaving me numb in both arms and in constant pain in my neck. See: 4:21-cv-02780, Houston, Texas Federal Court.

(6.) Then I was placed in danger and moved to 5 Dorm on the Pack Unit, and placed next to an enemy, Cause the A/C Pack Attorney's sent a letter to the State Attorney on 02-14-20. I contacted the Safe Prisons Officer who moved me only 10 bunks down, I was then attacked by a Spanish Offender and hit in the head 4 Four Times with a cane, Then I defended myself. I received a case and was moved and housed in High Security at the Estelle Unit on 05-09-20.

The case stated that I hit him with the cane. GRIEVANCE # 2020137342.

(7.) On 06-12-20, I fell inside my cell and was unable to move from the neck down, I was taken to the Medical Dept. strapped to a board in a temporary neck brace. I was talked trash to for approximately 45 minutes,. I was then taken back to my cell bed, still strapped to the board, and left on my bed for 24 hours. No way to urinate or even eat. After the next day, I seen a Lt. Vowdell Dawson on 06-13-20 who advised me that he could not have me sent to the hospital because he would go to jail per the Major, (Whom he refused to identify.)

(8.) I have been made to suffer with staph all over my body, by the Medical Dept, here at the Estelle High Security, 11 times without proper treatment. See GRIEVANCE # 2020155364.

(9.) On 08-07-20, I went to John Sealey hospital, and was told by an offender who was at the Telford Unit, in 2011, where I had an A/B Gang Capt. locked up in segregation, I was told the gang had put a hit out on me and wanted me dead. It was reported to Officials but nothing was done at all. GRIEVANCE # 2020170684. [STILL IN DANGER] Check my Prison Record.

(10.) On 10-17-20, I was attacked my an Officer HARTY, at John Sealey Hospital. See Enclosed Statement. Grievance 2021024738.

(11.) Retaliation Problems, GRIEVANCE # 2021044279. was Denied and refused.

(12). In February, 2021, I had total numbness in my hands, and severe pain in my neck area, and was denied any Medical Care. GRIEVANCE # 2021072198 - See after BUS ACCIDENT - I had surgery 19 months later.. Still same problems as then.

(13.) Then I was being denied Access to the Courts by the ESTELLE UNIT HIGH SECURITY Staff Members. GRIEVANCE # 2021077996.

(14.) On 03-12-21, on the ay back from Hospital Calveston, while inside a van, the driver slammed on his brakes, I was slammed head first into the cage, gashing the top of my head. I was denied photo's and it was not reported until 03-13-21. Proper procedure was not followed.

(15.) On 04-14-21, I was attacked by An officer T. Vellon,who grabbed me around my neck and slammed me to the ground, (While I was wearing a neck collar) all because another offender said something "GAY" to him and he thought it was me. See GRIEVANCE # 20210162476.

(16.) In OCTOBER of 2020. I was called on Medical Chain, with no warning at 3:30 A.M.. I went opt of my cell wearing a soft collar. I had left my HARD collar sitting on my top bunk.. It was stolen while I was gone for 6 days. See GRIEVANCE # 2021114704 and 2021134960. My Brace and Limb Speciality Clinic appt. was denied in December of 2020, after being cancelled and re-Oschelduled 3 times from 08-13-2021.

(17.) I had surgery to the back of my neck on 09-03-21, to fix injuries from Bus Accident on 02-26-20 and have not been seen by Nuero Surgeons since my surgery.

I have made complaints to Medical numerous times, Appx. 10 times, I was seen finally by Provider TAMARA OLUWAFEMI, on 02-11-22, whom stated I would be expedited back to Hospital Nuero Surgery Clinic on 04-11-22, I seen John Sealey hospital Intake Nurse for procedure, whom stated that there ~~was~~, no such referral in the computor.

(18.) On 03-21-22, I seen a Provider here at ESTELLE, by the name of REBECCA COLEMAN, who denied me the proper handcuff Pass and refused me passes for Medical Supplies for my skin condition, caused by ARSENIC POISINGING. I was told I would be scheduled for the dermatology dept at hospital on 04-11-22, It was told to me that the appt. was never scheduled.

(19.) on 04-1-22, I received a colonoscopy at U.T.M.B. hosp. (John Sealey) This after 12 requests and several years. The Tech lied to me, He said it was cloudy..that I would need another one.

(20.) On 04-13-22, after my return for my 2nd colonoscopy, and going through the flush out process of 2 days, with no food, I was told they would NOT do my procedure, even though I had a couple of big polyps inside my colon., All because I took NitroGlycerin tabs. I was taking them on my last procedure. They wanted me to stay and see cardiology to be assessed, and then they would do yet another flush out. Failure to set up procedure properly on 4-11-22, I was placed on the chain and no inventory sheet was even filled out for any of my property (CHECK IT OUT) I could have lost all my property.

(21.) After all my Hell Raising, I was placed on a van at 1:30 A.M., on 4-14-22, a Lt. Walls, had my restraints put on so tight my hands were swollen large by the time I returned to Estelle Unit, (Photo's and a Report was taken this time) The Lt. did not even want to see my passes and I was wearing compression gloves to help with my hands problems with circulation since my surgery.

I was unable to urinate or get water due to water cooler sitting on floor of the van and with me being shackled, cuffed, belted and black boxed for almost 3 hours.

For the foregoing reasons, This Motion for PROTECTIVE TRANSFER to a FEDERAL FACILITY for SAFETY, PROTECTION, and MEDICAL CARE, should be GRANTED and ORDERED by the FEDERAL COURTS, HOUSTON, Tx.

I, DAVID T. MOORE, #1165885, Do hereby Affirm, under the Penalty that all foregoing statements are True and Correct to the best of my knowledge and beliefs.

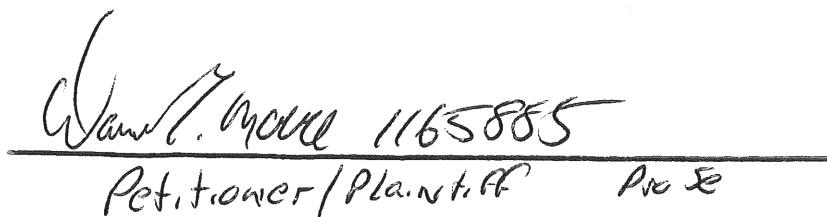


PLAINTIFF/PETITIONER Pro-Se

David T. Moore, # 1165885
Estelle Unit H.S. HSF-103
264 FM 3478 Rd.
Huntsville, Texas 77320-3322

cc: File Copy

Respectfully Submitted this 18th day of April, 2022



Petitioner/Plaintiff Pro Se

To The Federal Court Clerk
Mr. Nathan Oschner

I am Requesting This Paperwork to be Filed
With The Chief Federal Judge and Also with The
Honorable Keith P. ELLIS
Honorable George C. Hanks Jr

I need This Filed as soon as Possible, on 4-13-22
I was told I Have Colon Cancer. But was Rehused Emergency
Treatment by U.T.M.B. Hospital, That is Retaliation for
The Litigation That is Filed under 4:21-cv-02780. I
Need Dire assistance now, Cause if Something Happens
to me now, my Family will be taking over. The Court is
Responsible

Please Help and Respond
to me

Thank you & God Bless

Respectfully Submitted This 18th day of April, 2022

Dave Malone 1165885
Plaintiff/Petitioner Pro Se

David T. Moore #1165885
Estelle unit High Security
264 F.M. 3478
Huntsville, TX 77320

United States Courts
Southern District of Texas
FILED

APR 21 2022

Clerk

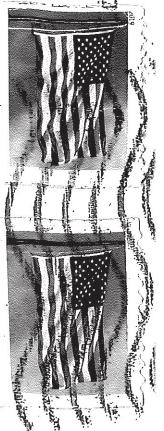
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RE: 4:21-cv-02780
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